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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,809	10/27/2005	Claus-Dieter Barrois	1204.1121101	9775
28075 7590 10/02/2007 CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420			EXAMINER NGUYEN, ANTHONY H	
			ART UNIT 2854	PAPER NUMBER
			MAIL DATE 10/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,809

Applicant(s)

BARROIS ET AL.

Examiner

Anthony H. Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>27 October 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1-11 are objected to because the language “can be” (claim 1 line 3 and claim 6 line 2) is not a positive claim language. In claim 10, the language “permits a higher throughput of the pump than when the chamber is open” is unclear in that it appears that there is something lower than the higher which is not specified.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawakami (US 4,192,231).

Kawakami teaches a doctor blade device for cleaning a surface 6a and a trough 112 for receiving material which is removed from the surface via a doctor blade 118 when the doctor blade protrudes from an opening in the trough. The trough has a closure element 122 which is capable of closing the opening when the doctor blade is in a lowered position as shown Figs.8A and 8B of Kawakami.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kawakami (US 4,192,231) in view of Grobman (US 3,974,768).

With respect to claims 8, 9 and 11, Kawakami teaches a doctor blade device for cleaning a surface having substantially the structure as recited. Kawakami does not clearly teach the feed line and a discharge line and a closed circuit for the cleaning fluid. However, the use of a feed line and discharge line open into opposite end section of the trough and a closed circuit for the cleaning fluid is conventional. For example, Grobman teaches a cleaning device having feed line 92 and a discharge line 66 open into opposite end section of a trough (A) and a closed circuit for the cleaning fluid as shown in Figs. 2 and 4 of Grobman. In view of the teaching of Grobman, it would have been obvious to one of ordinary skill in the art to modify the doctor blade device of Kawakami by providing a conventional feed line and discharge line and a closed circuit for the cleaning fluid as taught by Grobman for optimum of cleaning a surface. With respect to claim 10, the use of control circuit for the pump is well known in the art. For example, Kawakami teaches the use of control circuit which controls a washing operation including timing for pumping cleaning liquid as shown in Fig.7 of Kawakami (see also, Kawakami, col.6 lines 31-39, 45 and 46).

Allowable Subject Matter

As presently advised it appears that claims 2-6 avoid the prior art but are objected to as depending from the rejected claims. These claims if properly rewritten in independent form and overcome the objection would be allowable.

The following is a statement of reasons for the indication of allowable subject matter:
The prior art of record does not teach the trough has a cylindrical chamber and the closure element can rotate about a longitudinal axis of the cylindrical chamber (claim 2).

Conclusion

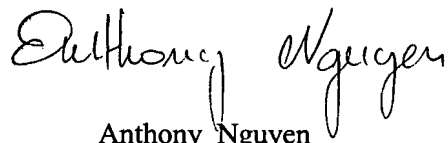
The patents to Gates and Wells et al are cited to show other structures having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen, can be reached on (571) 272-2258.

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The fax phone number for this Group is (571) 273-8300.

A handwritten signature in black ink, appearing to read "Anthony Nguyen". The signature is fluid and cursive, with the first name "Anthony" and the last name "Nguyen" clearly distinguishable.

Anthony Nguyen

09/27/07

Patent Examiner

Technology Center 2800